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# Fax

To: Examiner David M. Shay  
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U.S. Patent & Trademark Office

From: Sanjay Bagade, Reg. No. 42,280  
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Date: November 11, 2004

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Pages: 6 (including fax cover)

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Re:

**NOTICE OF APPEAL**

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Comments:

U.S. Patent Application No.: 09/436,455

Filing Date: November 8, 1999

Title: DEVICES FOR MODIFICATION OF AIRWAYS BY TRANSFER OF ENERGY

Inventor(s): Christopher J. DANEK et al.

Group Art Unit: 3739

Examiner: D. Shay

Docket No.: A-008-000

Papers enclosed herewith:

1. Transmittal (1 page)
2. Fee Transmittal + duplicate for fee processing (2 pages)
3. Petition for Extension of Time, 3 months (1 page)
4. Notice of Appeal (1 page)



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# FEET TRANSMITTAL for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 660.00)

## Complete If Known

Application Number	09/436,455
Filing Date	November 8, 1999
First Named Inventor	Christopher J. DANEK
Examiner Name	D. Shay
Art Unit	3739
Attorney Docket No.	435712000921

## METHOD OF PAYMENT (check all that apply)

 Check  Credit card  Money Order  Other  None

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Deposit Account Name	Asthmabx, Inc.

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## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity	Small Entity	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1001 790	2001 395	Utility filing fee			
1002 350	2002 175	Design filing fee			
1003 550	2003 275	Plant filing fee			
1004 790	2004 395	Reissue filing fee			
1005 160	2005 80	Provisional filing fee			
<b>SUBTOTAL (1)</b>		<b>(\$ 0.00)</b>			

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Independent Claims	Multiple Dependent	Extra Claims -20** =	X	Fee from below	Fee Paid
			- 3** =	X		

Large Entity	Small Entity	Fee Code (\$)	Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20		
1201 66	2201 44	Independent claims in excess of 3		
1203 300	2203 160	Multiple dependent claim, if not paid		
1204 88	2204 44	** Reissue independent claims over original patent		
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent		
<b>SUBTOTAL (2)</b>		<b>(\$ 0.00)</b>		

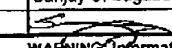
\*\* or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

3. ADDITIONAL FEES  
Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 430	2252 215	Extension for reply within second month	490.00
1253 980	2253 490	Extension for reply within third month	
1254 1,530	2254 766	Extension for reply within fourth month	
1255 2,080	2255 1,040	Extension for reply within fifth month	
1401 340	2401 170	Notice of Appeal	170.00
1402 340	2402 170	Filing a brief in support of an appeal	
1403 300	2403 150	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,370	2453 885	Petition to revive - unintentional	
1501 1,370	2501 685	Utility issue fee (or reissue)	
1502 490	2502 245	Design issue fee	
1503 660	2503 330	Plant issue fee	
1480 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 790	2809 395	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 790	2810 395	For each additional invention to be examined (37 CFR 1.128(b))	
1801 790	2801 395	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	
Other fee (specify)			
*Reduced by Basic Filing Fee Paid		<b>SUBTOTAL (3)</b>	<b>(\$ 660.00)</b>

(Complete if applicable)

Name (Print/Type)	Sanjay S. Bagade	Registration No. (Attorney/Agent)	42,280	Telephone	650-810-1100
Signature				Date	11/11/2004

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